

REMARKS

Upon Amendment, Claims 1-3, 6-8 and 16 are pending. Claims 4, 5, 9-15 are canceled herein without prejudice. Claim 16 has been amended to remove the names compounds which do not fall within the elected group.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Double Patenting Rejections

The Examiner also rejected Claims 1-5 and 16 for non-statutory double patenting over claims 1-6 of U.S. Patent No. 6,689,883. Without conceding the validity of the Examiner's contention, Applicant submits herewith a duly executed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) over U.S. Patent No. 6,689,883. Accordingly, Applicant respectfully requests withdrawal of the obviousness-type double-patenting rejection.

CONCLUSION

In view of the amendments and remarks made herein, Applicants submit that the application is in condition for allowance. Accordingly, Applicants respectfully request entry of the amendments and remarks presented herein, favorable reconsideration of the application and prompt issuance of a Notice of Allowance. If a telephone conference with Applicants' representative would be helpful in expediting prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number indicated below.

Applicants believe that no additional fees, beyond the fee for a terminal disclaimer, are required in connection with this paper. Nevertheless, Applicants authorize the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105, under Order No. 69713DIV(304795).

Dated: April 20, 2010

Respectfully submitted,

Electronic signature: /Nicholas J. DiCeglie, Jr./

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